

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2007 AUG 24 A 8:28

CLERK *L. Flanders*
SO. DIST. OF GA.

ZENDEA D. HARMON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CIVIL ACTION NO. CV106-204


ORDER

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g), and in light of the government's request to remand this action for further agency action, it is ordered that this matter be remanded to the Appeals Council, so that it may issue an order remanding this case to an ALJ. The ALJ then may (1) obtain updated medical evidence as to the functional impact of plaintiff's exertional and non-exertional impairments, (2) provide a legally sufficient rationale for the weighing of all functional assessments by physicians contained in the record, (3) re-assess plaintiff's subjective complaints in accordance with SSA's regulations and policies, (4) make a new finding as to plaintiff's residual functional capacity, and (5) obtain vocational expert testimony as to plaintiff's ability to do her past work and any alternative jobs in the national economy, given all her exertional and non-exertional limitations.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings, as

specified above. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). The clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 24th day of August, 2007.


DUDLEY H. BOWEN, JR.
UNITED STATES DISTRICT JUDGE

William R. McCracken

Claudia McCracken

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LAW OFFICE
of
WILLIAM R. McCRACKEN
505 Courthouse Lane
Augusta, Georgia 30901

August 17, 2007

U.S. DISTRICT COURT
AUGUSTA DIV.
2007 AUG 21 A 10:01
Roy V. Harris
1919-1985
Henry T. Chance
1934-1971
J. Roy McCracken
1944-1979

CLERK
SO DIST OF GA

Clerk of U.S. District Court
Southern District of Georgia
500 East Ford St., 1st Floor
Augusta, Georgia 30901

In Re: Zendea Harmon v. Jo Anne Barnhart, Commissioner of Social Security
Civil Action No. 106-204

Dear Madam Clerk:

I have received and read the Defendant's Motion for Entry of Judgment in the above matter. The Defendant also enclosed a proposed Order.

Please inform the judge signing the Order that the Plaintiff has no objection to the motion and proposed order.

Very truly yours,



William R. McCracken

WRMc/als

Cc: James L. Coursey, Jr.
Assistant U.S. Attorney